

REMARKS

Applicants have studied the Office Action dated October 5, 2004, and have made amendments to the claims. Claim 2 has been canceled without prejudice. Claims 1, 3, 4, 8-12, 14-16, 20, 21 and 24-27 have been amended. No new matter has been added. It is submitted that the application, as amended, is in condition for allowance. Reconsideration is respectfully requested.

Rejection under 35 U.S.C. § 102

Claims 1, 5 and 6 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,737,289 to Udagawa ("Udagawa"). This rejection is respectfully traversed.

A proper rejection for anticipation under § 102 requires complete identity of invention. The claimed invention, including each element thereof as recited in the claims, must be disclosed or embodied, either expressly or inherently, in a single reference. Scripps Clinic & Research Found. v. Genentech Inc., 927 F.2d 1565, 1576, 18 U.S.P.Q.2d 1001, 1010 (Fed. Cir. 1991); Standard Havens Prods., Inc. v. Gencor Indus., Inc., 953 F.2d 1360, 1369, 21 U.S.P.Q.2d 1321, 1328 (Fed. Cir. 1991).

On page 3 of the Office Action, the Examiner stated that original claims 2-4 and 7-21 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, independent claim 1 has been amended to incorporate the limitations of original claim 2. In view of this, Applicant respectfully submits that claim 1 and the claims dependent therefrom (claims 3-7), as a result of this Amendment, are allowable over the prior art.

Similarly, claims 8, 10, 12, 15, 20 and 21 have been rewritten in independent form to incorporate the limitations of their base claim, original claim 1. In view of this, Applicant respectfully submits that claims 8, 10, 12, 15, 20 and 21 and all claims respectively dependent therefrom are allowable over the prior art.

Allowable Subject Matter

Applicant thanks the Examiner for his allowance of claims 22-27 on page 3 of the Office Action. With this paper, claims 24-27 have been amended for informalities. Thus, Applicant respectfully submits that claims 22-27 remain allowable.

CONCLUSION

In light of the above remarks, Applicant submits that the present Amendment places all claims of the present application in condition for allowance. Reconsideration of the application, as amended, is requested.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein; and no amendment made was for the purpose of narrowing the scope of any claim, unless Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California, telephone number (213) 623-2221 to discuss the steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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